

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAGREGG R. CAHILL,  
Plaintiff,

v.

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,  
Defendant.

Case No. 3:15-cv-02498-LB

**ORDER DENYING WITHOUT  
PREJUDICE THE COMMISSIONER'S  
MOTION FOR SUMMARY  
JUDGMENT, SETTING A BRIEFING  
SCHEDULE, AND VACATING THE  
CASE MANAGEMENT CONFERENCE**

On September 9, 2014, in the United States District Court for the Western District of Pennsylvania, the pro se plaintiff Gregg Cahill filed a complaint seeking judicial review of a final decision by the Commissioner of the Social Security Administration. (Complaint, ECF No. 2.) After the Commissioner answered Mr. Cahill's complaint, the Pennsylvania district court directed the parties to file any motions for summary judgment by December 29, 2014. (11/18/2014 Order, ECF No. 5.)

On December 23, 2014, Mr. Cahill sought an extension of time to file his motion for summary judgment so he could obtain a medical report he said was necessary for his case; the court granted his request and gave him until February 27, 2015 to file his motion. (12/23/2014 Request, ECF No. 6; 12/29/2014 Order, ECF No. 7.) The Commissioner, however, did not seek an extension of time, and she filed her motion for summary judgment on December 29, 2014. (Commissioner's Motion, ECF No. 8; Memorandum, ECF No. 9.)

On February 20, 2015, Mr. Cahill sought another extension of time so he could solicit the services of a medical expert witness; the court granted his request and gave him until May 27, 2015. (2/20/2015 Request, ECF No. 10; 2/25/2015 Order, ECF No. 11.)

On May 22, 2015, Mr. Cahill sought yet another extension of time, and he also filed a motion to transfer his case to this Court. (Motion to Transfer, ECF No. 13; 5/22/2015 Request, ECF No. 14.) In support of both his request and his motion, Mr. Cahill stated, among other things, that he has been a resident of California since 2009, has been unsuccessful in securing counsel in Pennsylvania, and has been trying to get documents from Stanford Hospital that are relevant to his case. He said he needs to obtain counsel in California to get the documents from Stanford. On May 28, 2015, the Pennsylvania district court granted Mr. Cahill's motion and transferred the action to this Court. (5/28/2015 Order, ECF No. 17.) The Pennsylvania district court did not rule on Mr. Cahill's request for a third extension of time to file his motion for summary judgment.

Upon transfer to this Court on June 4, 2015, the Clerk of the Court issued a standard scheduling order that set a case management conference for September 3, 2015. (Initial Scheduling Order, ECF No. 19.) This is not the appropriate order. Because this is a Social Security appeal, Civil Local Rule 16-5 applies. That rule provides:

In actions for District Court review on an administrative record, the defendant must serve and file an answer, together with a certified copy of the transcript of the administrative record, within 90 days of receipt of service of the summons and complaint. Within 28 days of receipt of defendant's answer, plaintiff must file a motion for summary judgment pursuant to Civil L.R. 7-2 and Fed. R. Civ. P. 56. Defendant must serve and file any opposition or counter-motion within 28 days of service of plaintiff's motion. Plaintiff may serve and file a reply within 14 days after service of defendant's opposition or counter-motion. Unless the Court orders otherwise, upon the conclusion of this briefing schedule, the matter will be deemed submitted for decision by the District Court without oral argument.

In this case, the Commissioner has already answered Mr. Cahill's complaint and filed a certified copy of the administrative record. The Commissioner also has filed a motion for summary judgment, which Mr. Cahill has not opposed. In light of these circumstances, and to get this action on track, the court denies without prejudice the Commissioner's motion and orders as follows:

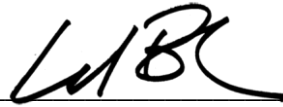
1. Mr. Cahill must serve and file any motion for summary judgment by Monday, August 31,

2015.

2. The Commissioner must serve and file any opposition and cross-motion for summary judgment within 28 days of service of Mr. Cahill's motion.
3. Mr. Cahill must serve and file any reply within 14 days of service of the Commissioner's opposition or cross-motion.
4. Unless the court orders otherwise, upon conclusion of this briefing schedule, the matter will be deemed submitted for decision without oral argument.
5. The court vacates the September 3, 2015 case management conference.

**IT IS SO ORDERED.**

Dated: July 21, 2015



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LAUREL BEELER  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREGG R. CAHILL,  
Plaintiff,

v.

COMMISSIONER OF THE SOCIAL  
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Defendant.

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 21, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

GREGG R. CAHILL  
3205 San Carlos Way  
Union City, CA 94587

Dated: July 21, 2015

Richard W. Wieking  
Clerk, United States District Court

By:   
Lashanda Scott, Deputy Clerk to the  
Honorable LAUREL BEELER